

# Changing School District Boundaries

A Lay Person's Guide



**Gary Gainer**

President, State Board  
of Education



**Dr. Terry Bergeson**

State Superintendent of  
Public Instruction



Washington State Board of Education and  
Office of Superintendent of Public Instruction

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# School District Organization

Overview of State Education Governance Structure  
RCW 28A.315.005

## Governance structure.

(1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington.

[1999 c 315 § 1.]

## Commonly Asked Questions About Changing District Boundaries

**Q1:** Where can I find the state laws and regulations about changing school district boundaries?

**A:** Chapter 28A.315 RCW (Revised Code of Washington) and Chapter 180-24 WAC (Washington Administrative Code, policies/rules of the State Board of Education).

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**Q2:** How can school district boundaries be changed?

**A:** (1) By transfer of territory from one district to another district (initiated by citizen or school board petition);  
(2) By consolidation of all or part of two or more districts to create a new district (initiated by citizen petition);  
(3) By dissolution and annexation of all of one or more districts to another district (triggered by the failure of the district to maintain a statutory minimum enrollment level).  
[RCW 28A.315.045]

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## Transfer of Territory Questions

**Q3:** How is a transfer of territory initiated?

**A:** There are two alternate means: (1) At least 10 percent of the registered voters residing in the territory proposed for transfer must sign a written petition and present it to the Educational Service District (ESD) superintendent; or (2) a majority of a school district board of directors may present a written petition to the ESD superintendent. [[RCW 28A.315.195\(1\)](#)]

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**Q4:** What information must the petition include?

**A:** The name and number of each district affected by the proposed transfer of territory, a description of the boundaries of the territory proposed to be transferred, the number of school age children, if any, residing in the territory proposed to be transferred, and the reasons for desiring the change in school district boundaries. [[RCW 28A.315.195\(2\)](#)]

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**Q5:** What happens after a petition is filed with the ESD superintendent?

**A:** Upon receipt of a petition, and after the County Auditor has validated the signatures, the ESD superintendent must immediately notify the affected school districts. Upon such notification, the affected districts have 90 days to negotiate an agreement. At any time during the 90-day period, either district involved in the negotiations may notify the ESD superintendent in writing that the districts were not or will not be able to reach a negotiated agreement. [[RCW 28A.315.195\(5\)](#)]

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**Q6:** What criteria or factors should the negotiating school districts consider?

**A:** They should be guided by RCW 28A.315.015(2), RCW 28A.315.205(4), and WAC 180-24-007(3)(4)(5):

#### **RCW 28A.315.015(2)**

- (a) A balance of local petition requests and the needs of the state-wide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;
- (b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;
- (c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;
- (d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state;
- (e) Other criteria or considerations as may be established in rule by the state board of education.

#### **RCW 28A.315.205(4)**

- (a) The annual school performance reports required under RCW 28A.320.205 in the affected districts and improvement of the educational opportunities of pupils in the territory proposed for a change in school district organization;
- (b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;
- (c) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;
- (d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school;
- (e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

#### **WAC 180-24-007**

- (3) The boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.
- (4) . . . every element of the annual school performance report shall be considered and no one element shall be given undue weight in comparison to any other element.
- (5) . . . "geographic accessibility" includes, but is not limited to, consideration of the following factors:
  - (a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.
  - (b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.

- (c) The extent and nature of roads, highways, ferries, and traffic patterns.
- (d) Climatic conditions.
- (e) Time required to travel to and from school.

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**Q7:** What happens if the negotiating districts come to an agreement to adjust the boundaries?

**A:** The districts must notify the ESD superintendent in writing who shall then implement the agreement.

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**Q8:** What happens if the negotiating districts agree not to change the boundaries?

**A:** In the case of a **district-initiated** petition, either district may file with the ESD superintendent a written request for a hearing by the Regional Committee. In the case of a **citizen-initiated agreement**, the district in which the citizen petitioners reside must file a written request for a hearing by the Regional Committee, unless a majority of the citizen petitioners request that the district not ask for a hearing by the Regional Committee. [RCW 28A.315.195(7)(8)]

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**Q9:** What happens if the negotiating districts cannot come to an agreement?

**A:** The districts may request, and the ESD superintendent shall grant, a onetime 30-day extension to reach an agreement. The districts may request that the ESD superintendent appoint a mediator for assistance. The mediator has a maximum of 30 days to assist the districts in reaching a negotiated agreement. [RCW 28A.315.195(5)(6)]

In the case of a **district-initiated** petition, either district may file with the ESD superintendent a written request for a hearing by the Regional Committee. In the case of a **citizen-initiated agreement**, the district in which the citizen petitioners reside must file a written request for a hearing by the Regional Committee, unless a majority of the citizen petitioners request that the district not ask for a hearing by the Regional Committee. [RCW 28A.315.195(7)(8)]

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**Q10:** How soon does the ESD superintendent have to notify the Regional Committee of the request for a hearing?

**A:** The ESD superintendent must notify the Regional Committee chair within ten days after receiving the written request from the district. [RCW 28A.315.195(9)]

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**Q11:** How soon does the Regional Committee have to schedule a hearing?

**A:** The hearing must occur within 60 days of the date of notice to the Chair of the Regional Committee. The Chair is responsible for setting the hearing date. [RCW 28A.315.205(1)]

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**Q12:** What criteria or factors must the Regional Committee consider?

**A:** See the answer to Question # 6. The difference is that the Regional Committee must consider the listed factors rather than simply be guided by them.

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**Q13:** How soon after the final hearing by the Regional Committee must the written decision to approve or disapprove the proposed transfer of territory be issued?

**A:** 30 days. [RCW 28.315.205(2)]

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**Q14:** When are the affected school districts notified of the Regional Committee's decision to approve or disapprove the proposed transfer of territory?

**A:** The ESD superintendent must send a copy to the affected school districts within ten days of issuance of the written decision by the Regional Committee. [RCW 28.315.205(2)]

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**Q15:**

Can a decision of the Regional Committee be appealed?

**A:**

A petitioner or school district may file an appeal with the State Board of Education or the applicable court of jurisdiction only with respect to a decision by the Regional Committee to approve a proposed transfer of territory. An appeal can be filed with the applicable court of jurisdiction without having first been submitted to the State Board of Education. [RCW 28A.315.205(5)(a)(b)]

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**Q16:**

Is there a time limit for filing an appeal with the State Board of Education?

**A:**

Yes, within 30 days of the issuance of the written decision by the Regional Committee. [RCW 28A.315.205(5)(a)(i)]

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**Q17:**

On what grounds can the State Board of Education consider an appeal?

**A:**

The State Board is limited to considering the record of the matter and determining whether the Regional Committee failed to follow the applicable procedures or acted in an arbitrary and capricious manner. [RCW 28A.315.205(5)(a)(i)]

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**Q18:**

What happens if the State Board of Education finds that the Regional Committee failed to follow the applicable procedures or acted in an arbitrary and capricious manner?

**A:**

The State Board shall refer the matter back to the Regional Committee, with an explanation of the Board's findings, and the Regional Committee shall rehear the proposal. [RCW 28A.315.205(5)(a)(ii)]

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**Q19:**

What happens if the State Board finds that the Regional Committee did follow the applicable procedures or did not act in an arbitrary and capricious manner?

**A:**

The State Board notifies the ESD and directs the ESD superintendent to implement the changes. [RCW 28A.315.205(5)(a)(iii)]



Q20 :

Is an election ever required to consider a transfer of territory that has been approved by negotiated agreement between school districts or approved by a Regional Committee?

A:

Yes. If the proposed transfer of territory involves ten percent or more of the public school student population of the entire school district from which the transfer is proposed, all the voters of that district shall be allowed to vote on the matter. The ESD superintendent shall call and hold the election. A simple majority determines approval or rejection.

[RCW 28A.315.195(3)]

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Q21 :

Can ESDs or school districts receive reimbursement from the state for costs incurred in considering proposed transfers of territory?

A:

Yes, if funds are appropriated in the state operating budget. The actual appropriation would determine whether or not all reimbursement requests could be honored.

[RCW28A.315.085(2) and RCW 28A.315.195(10)]

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### Consolidation Questions

Q22 :

What starts a consolidation proposal?

A:

A consolidation proposal can be initiated in four ways:

1. A petition must be submitted to the ESD superintendent which has been signed by ten or more registered voters living in each district and in each part of a district proposed to be consolidated into a new district, and the petition must also be approved by the boards of directors of the affected districts.
2. A petition must be submitted to the ESD superintendent which has been signed by ten or more registered voters living in the territory of a proposed new district which comprises a part of one or more districts, and the petition must also be approved by the boards of directors of the affected districts.
3. A petition must be submitted to the ESD superintendent which has been signed by ten percent or more of the registered voters living in each district and in each part of a district proposed to be consolidated into a new district, and the petition does not have to be approved by the boards of directors of the affected districts.

4. A petition must be submitted to the ESD superintendent which has been signed by ten percent or more of the registered voters living in the territory of a proposed new district which comprises a part only of one or more districts, and the petition does not have to be approved by the boards of directors of the affected districts. [RCW 28A.315.235]

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**Q23 :**

What information must the consolidation proposal petition include?

**A:**

The name and number of each district which is involved in or which would be affected by the proposed consolidation to form a new district and a description of the boundaries of the proposed new district. [RCW 28A.315.235]

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**Q24 :**

How often can a consolidation proposal affecting the same districts be considered?

**A:**

No more than once during a school fiscal year. [RCW 28A.315.235]

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**Q25 :**

What happens after the ESD superintendent receives the consolidation proposal petition?

**A:**

The ESD superintendent must call and hold a special election for the voters of the affected districts to approve or reject the consolidation proposal. A simple majority of all votes in both districts combined shall determine approval or rejection. If the voters approve the proposal, the ESD superintendent shall implement the change, including adjustment of assets and liabilities.

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## Dissolution and Annexation Question

**Q26:** Under what circumstances does a dissolution and annexation of one school district to another occur?

**A:** When a school district has an average annual enrollment of fewer than five K-8 students in the preceding school year, or has not made a reasonable effort to maintain during the preceding school year the minimum 180 day school year requirement, the Regional Committee shall dissolve the district and assign the territory to one or more districts.  
[RCW 28A.315.225]

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## Transfer of Territory Timelines

| Step No. | Step Detail   | Response  | Timeline   |
|----------|---|---|--|
| 1        | Petition filed with ESD superintendent  | ESD superintendent notifies the affected districts of the petition.         | Immediate notification upon receipt of the petition and after validation of the signatures by the County Auditor.  |
| 2        | Districts enter negotiations  |   | 90 days to reach agreement. Either district at any time during the 90 days may notify the ESD superintendent in writing that an agreement is not possible. |
| 3        | Districts may request of the ESD superintendent one extension of the negotiating period to attempt to reach an agreement.   | ESD superintendent must grant the extension.                                | 30-day limit on the extension.   |
| 4        | Districts may request of the ESD superintendent the services of a mediator.   | ESD superintendent must appoint a mediator.                                 | Mediator has 30 days to work with the districts.   |
| 5        | If the petition was initiated by a local board and the negotiations are not successful, either district may request a hearing by the Regional Committee on School District Organization via the ESD superintendent. | ESD superintendent notifies the chair of the Regional Committee in writing. | Ten days after receipt of the request by the district.   |

## Transfer of Territory Timeline

| Step No. | Step Detail   | Response  | Timeline   |
|----------|---|---|--|
| 6        | If the petition was citizen-initiated and negotiations are not successful, the district in which the petitioners reside must request a hearing by the Regional Committee on School District Organization unless majority of petitioners say no. | ESD superintendent notifies the chair of the Regional Committee in writing. | Ten days after receipt of the request by the district.   |
| 7        | Regional Committee must schedule a hearing on the petition.   |   | 60 days after receipt of notice from the ESD superintendent.   |
| 8        | Regional Committee conducts the hearing(s) and issues written findings and a decision to approve or disapprove.   |   | 30 days after final hearing to issue written findings and decision to approve or disapprove the petition.  |
| 9        | Citizen petitioner or district petitioner may appeal only a Regional Committee decision to petition for a transfer of territory.  |   | 30 days after issuance of regional committee written decision to file appeal with State Board of Education.  |
| 10       | State Board hears the appeal.   |   | <b>No timetable in RCW or WAC.</b>   |
| 11       | If State Board rejects the appeal, it notifies the ESD superintendent to implement the change in boundaries.  |   | Follow timetable set forth in Regional Committee decision.<br><br>Under certain conditions, election required by RCW 28A.315.195(3) to approve or reject the transfer. |
| 12       | Regional Committee rehears the petition if disapproved by the State Board.  |   | <b>No timetable in RCW or WAC.</b>   |

| <b>ESD</b>                         | <b>Contact Person</b>      | <b>Phone and E-mail</b>                           |
|------------------------------------|----------------------------|---|
| ESD 101<br>Spokane                 | Dr. Terry Munther, Supt.   | 509/456-6320<br>tmunther@esd101.net               |
| ESD 105<br>Yakima                  | Dr. Jane Gutting, Supt.    | 509/575-2885<br>janeg@esd105.wednet.edu           |
| ESD 112<br>Vancouver               | Dr. Twyla Barnes, Supt.    | 360/750-7500<br>twyla.barnes@esd112.k12.wa.us     |
| ESD 113<br>Olympia                 | Dr. Gary Livingston, Supt. | 360/586-2933<br>glivingston1@esd113.wednet.edu    |
| Olympic ESD 114<br>Bremerton       | Dr. Walt Bigby, Supt.      | 360/478-6880<br>bigbyw@oesd.wednet.edu            |
| Puget Sound ESD 121<br>Burien      | Dr. Terry Lindquist, Supt. | 206/439-3636<br>tlindqui@psesd.wednet.edu         |
| ESD 123<br>Pasco                   | Dr. Marilyn Baker, Supt.   | 509/547-8441<br>mbaker@columbia.esd123.wednet.edu |
| North Central ESD 171<br>Wenatchee | Dr. Gene Sharratt, Supt.   | 509/665-2610<br>genes@ncesd.org                   |
| Northwest ESD 189<br>Mount Vernon  | Dr. Jerry Jenkins, Supt.   | 360/424-9573<br>jjenkins@esd189.org               |

#### **OSPI Regional Facility Coordinators:**

|   |   |
|---|---|
| Carter Bagg (Northwest Washington: King County and north)                     | 425-503-5424<br>cbagg@ospi.wednet.edu   |
| Gordon Beck (Southwestern Washington: Pierce County and south, and peninsula) | 360-586-2699<br>gbeck@ospi.wednet.edu   |
| Gary Miller (Eastern Washington)  | 509-456-2866<br>gmiller@ospi.wednet.edu |